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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   | Application Number       | 09/314,052       |
|   |   | Filing Date              | May 18, 1999     |
|   |   | First Named Inventor     | Douglas E. Ott   |
|   |   | Art Unit                 | 3763             |
|   |   | Examiner Name            | Manuel A. Mendez |
|   |   | Attorney Docket Number   | 1-15372          |
| Sheet   | 1 | of                       | 1                |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                |
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| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.            | T <sup>2</sup> |
|                                 |                       | LEXION MEDICAL, LLC vs. NORTHGATE TECHNOLOGIES, INC. SMITH & NEPHEW, INC. AND LINVATEC CORPORATION in United States District Court Northern District of Illinois Eastern Division, Memorandum Opinion of District Judge Charles P. Kocoras dated April 27, 2009, 13 pages. |                |
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| Examiner Signature | /Manuel Mendez/ | Date Considered | 03/27/2010 |
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.M./